

**ASSEMBLY BILL**

**No. 670**

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**Introduced by Assembly Member Spitzer**

February 21, 2007

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An act to add Section 398 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as introduced, Spitzer. Animals: bites: owner information.

Existing law makes it a misdemeanor or a felony for a person owning or having custody or control of a mischievous animal to negligently allow the animal to cause serious bodily injury to another person, as specified.

This bill would require a person who owns or has custody or control of an animal to immediately provide identifying information to another person when the person knows, or has reason to know, the animal bit the other person, as specified. Failure to provide the required information would be a misdemeanor, punishable by imprisonment in the county jail not exceeding 6 months.

Because this bill would create a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 398 is added to the Penal Code, to read:

2     398. (a) Whenever a person owning or having custody or  
3     control of an animal, knows, or has reason to know, that the animal  
4     bit another person, he or she shall immediately provide the other  
5     person with his or her name, address, telephone number, and the  
6     name and breed of the animal who bit the other person. If the  
7     animal is required by law to be vaccinated against rabies, the person  
8     owning or having custody or control of the animal shall, within  
9     48 hours of the bite, provide the other person with information  
10    regarding the status of the animal's vaccinations. Violation of this  
11    section is a misdemeanor, punishable by imprisonment in the  
12    county jail not exceeding six months.

13    (b) For purposes of this section, it is not necessary for the skin  
14    of the person be broken or punctured by the animal for the contact  
15    to be classified as a bite.

16    SEC. 2. No reimbursement is required by this act pursuant to  
17    Section 6 of Article XIII B of the California Constitution because  
18    the only costs that may be incurred by a local agency or school  
19    district will be incurred because this act creates a new crime or  
20    infraction, eliminates a crime or infraction, or changes the penalty  
21    for a crime or infraction, within the meaning of Section 17556 of  
22    the Government Code, or changes the definition of a crime within  
23    the meaning of Section 6 of Article XIII B of the California  
24    Constitution.